

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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MASSACHUSETTS MUTUAL LIFE  
INSURANCE COMPANY,

Plaintiff,

v.

MERRILL LYNCH, PIERCE, FENNER &  
SMITH INC.; DEUTSCHE BANK  
SECURITIES INC.; GOLDMAN, SACHS &  
CO., INC; J.P. MORGAN SECURITIES LLC;  
and RBS SECURITIES INC.,

Defendants.

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Civil Action No. 3:11-30285-MAP

**MASSMUTUAL'S REQUEST FOR CLARIFICATION REGARDING A TERM OF THE  
ORDER FOR THE PRODUCTION AND EXCHANGE OF CONFIDENTIAL  
INFORMATION**

Plaintiff Massachusetts Mutual Life Insurance Company (“MassMutual”) respectfully requests clarification regarding one provision of the Stipulation and Order for the Production and Exchange of Confidential Information (“Protective Order”) approved and entered by the Court on October 31, 2012 (Dkt. 94-95).

On October 31, 2012, the Court approved the stipulated Protective Order, stating “[t]he Stipulated and Proposed Order, attached as Dkt. 63-1, has been approved and may be docketed separately along with Exhibits A & B. So ordered.” Dkt. 94. Exhibit B, however, set forth a provision of the Protective Order that the parties disputed. The parties submitted separate briefing on the disputed provision three days later, filed as Dkt. 64 (MassMutual’s submission in opposition to the provision) and Dkt. 65 (defendants’ submission in support of the provision).

Because the Court did not mention the disputed provision or the briefing when it directed that the Protective Order may be docketed separately with Exhibits A and B, MassMutual respectfully seeks clarification as to whether the Court intended the disputed provision set forth in Exhibit B to be a part of the Protective Order.

DATED: December 3, 2012

EGAN, FLANAGAN AND COHEN, P.C.

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**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 3rd day of December, 2012.

*/s/ Edward J. McDonough Jr.*

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Edward J. McDonough Jr.